

REMARKS

Applicant acknowledges with appreciation that claims 2, 4 and 7-10 remain allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

5 Claims 1, 3, 5 and 6 were rejected under 35 U.S.C. §102(c) as allegedly being anticipated by United States Patent No. 6,536,428 to Smith et al. Applicant submits that Smith does not anticipate the claims and cannot be modified to render obvious the claims. Reconsideration and withdrawal of the rejection is requested.

10 Applicant thanks the Examiner for the courtesy of the interview with Applicant's attorney, Linda Palomar, on November 5, 2008, and the Examiner's further voice mail on November 6, 2008 to Linda Palomar.

15 During the interview on November 5, 2008, it was discussed that Smith does not disclose the limitation in independent claim 1 of "at least a region of said enclosing outer wall being of a material that allows the passage of water vapour without allowing the passage of liquid water or respiratory gases through said enclosing outer wall". In the Office Action, the Examiner had cited Col. 4, lines 20-30 of Smith to support that Smith showed this limitation. During the interview, Applicant requested clarification as to how this section, or any other section of Smith disclosed this limitation. The Examiner did not further describe as to how Smith disclosed this limitation, and instead, advised that he agreed that Smith did not disclose this limitation.

20 In the Examiner's further voice mail of April 17, 2008, the Examiner advised that he spoke with his Supervisory Patent Examiner and that we were to submit a written response in this regard.

Therefore, because Smith does not disclose "at least a region of said enclosing outer wall being of a material that allows the passage of water vapour without allowing the passage of liquid water or respiratory gases through said enclosing outer wall", Applicant submits that the claims are allowable. Reconsideration and withdrawal of the rejection is requested. Allowance of the claims is requested.

Claims 3, 5 and 6 are dependent upon claim 1, which Applicants submit is in condition for allowance. Therefore, Applicants submit that claims 3, 5 and 6 are allowable. Reconsideration and allowance is requested.

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated:

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